

**IN THE COURT OF APPEALS OF IOWA**

No. 0-054 / 08-1837  
Filed February 24, 2010

**STATE OF IOWA,**  
Plaintiff-Appellee,

**vs.**

**EDWIN DOUGLAS GOSNELL III,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Howard County, John Bauercamper, Judge.

Edwin Douglas Gosnell III appeals from the sentences imposed following his guilty plea to two counts of sexual abuse in the third degree. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Martha Lucey, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Elisabeth S. Reynoldson and Scott Brown, Assistant Attorneys General, and Joseph M. Haskovec, County Attorney, for appellee.

Considered by Sackett, C.J., and Doyle and Danilson, JJ.

**DANILSON, J.**

Edwin Douglas Gosnell III appeals the sentences imposed following his guilty plea to two charges<sup>1</sup> of sexual abuse in the third degree in violation of Iowa Code section 709.4(2)(c)(4) (2007). He argues the sentencing court abused its discretion by failing to state adequate reasons for imposing his sentences.

In October 2008, Gosnell pled guilty to both charges of sexual abuse in the third degree, for sexual acts he performed in October 2007, when he engaged in sexual intercourse with a fourteen-year-old girl. Gosnell was then thirty-six years old. The sentencing court rejected Gosnell's request for a suspended sentence in compliance with the Sex Offender Treatment Program, and sentenced him to a term of incarceration not to exceed ten years in each case to be served concurrently.<sup>2</sup> The court also ordered Gosnell to be subject to the special sentence pursuant to section 903B.1, as required for chapter 709 class "C" felonies.

A sentence imposed by the district court is reviewed for errors at law. Iowa R. App. P. 6.907; *State v. Formaro*, 638 N.W.2d 720, 724 (Iowa 2002). Sentencing decisions of the district court are cloaked with a strong presumption in their favor. *Formaro*, 638 N.W.2d at 724. "A sentence will not be upset on appellate review unless the defendant demonstrates an abuse of trial court discretion or a defect in the sentencing procedure, such as trial court consideration of impermissible factors." *Id.* In weighing and considering all

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<sup>1</sup> Gosnell's charges arose out of two separate cases, FECR14979 and FECR8918. In a July 20, 2009 order, our supreme court consolidated the cases for this appeal.

<sup>2</sup> Gosnell's plea agreement bound the sentencing court to impose concurrent sentences.

pertinent matters in determining the proper sentence, the court should consider “the societal goals of sentencing criminal offenders, which focus on rehabilitation of the offender and the protection of the community from further offenses.” *Id.*; see also *State v. August*, 589 N.W.2d 740, 744 (Iowa 1999). The court should further consider “the nature of the offense, the attending circumstances, the age, character and propensity of the offender, and the chances of reform.” *Formaro*, 638 N.W.2d at 724.

In this case, the court stated at sentencing: “The Court deems the sentence to be appropriate in your case due to your age, the nature of the offense, the fact that two offenses were committed, and all the other acts and circumstances contained in the presentence investigation.” Both sentencing orders recite identical reasons for the sentences imposed: “In pronouncing sentence, the court gave special consideration to the plea agreement with prosecutor, the nature of offense, defendant’s prior record, and the facts contained in the presentence investigation.” The reasons provided may be sufficient, even where terse and succinct, so long as the court’s statement does not prevent review of the exercise of the district court’s sentencing discretion. See, e.g., *State v Victor*, 310 N.W.2d 201, 205 (Iowa 1981). Here, the district court made specific reference to Gosnell’s age, the fact that two offenses were committed, his prior criminal history, and the contents of the presentence investigation.

Upon our review, we find the district court’s decision was within statutory limits, and was neither unreasonable nor based on insufficient or untenable grounds. The court properly considered and weighed numerous appropriate

factors in arriving at a sentence, and clearly stated valid reasons for the sentences imposed. The court's sentencing decisions were well within its discretion, and we will not disturb them on appeal.

**AFFIRMED.**